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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

| | | |
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| STRIKE 3 HOLDINGS, LLC, | : | |
| | : | Case No. 1:23-cv-05435-VEC |
| Plaintiff, | : | |
| | : | |
| vs. | : | |
| | : | |
| JOHN DOE subscriber assigned IP address | : | |
| 72.225.198.202, | : | |
| | : | |
| Defendant. | : | |
| -----X | : | |

**MOTION FOR LEAVE TO SERVE A THIRD PARTY
SUBPOENA PRIOR TO A RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Memorandum of Points and Authorities in support of this motion; (2) Declaration of David Williamson in support of this motion; (3) Declaration of Patrick Paige in support this motion; and (4) Declaration of Susan B. Stalzer in support of this motion, Strike 3 Holdings, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena on Spectrum, prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Dated: 07/18/2023

Respectfully submitted,

By: /s/ Jacqueline M. James
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Attorneys for Plaintiff

Application DENIED without prejudice. Plaintiff appears to have submitted a second copy of its notice of motion rather than the accompanying memorandum and declarations cited therein. Plaintiff must submit its memorandum and declarations in support of any renewed motion. The Clerk of Court is respectfully directed to close the open motion at Docket Entry 6.

SO ORDERED.

 07/19/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE